

10157. Misbranding of peaches. U. S. * * * v. Georgia Mountain Orchard Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14900. I. S. No. 2303-t.)

On June 18, 1921, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Georgia Mountain Orchard Co. [Georgia Mountain Orchards], a corporation, Cornelia, Ga., alleging shipment by said company, on or about August 4, 1920, in violation of the Food and Drugs Act, as amended, from the State of Georgia into the State of Louisiana, of a quantity of peaches contained in baskets, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On November 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10158. Adulteration and misbranding of cocoa. U. S. * * * v. Lionel Edward Samuels (National Cocoa Mills). Plea of guilty. Fine, \$20. (F. & D. No. 15255. I. S. No. 15790-r.)

On October 7, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lionel Edward Samuels, trading as the National Cocoa Mills, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 26, 1919, from the State of New York into the State of Maryland, of a quantity of cocoa which was adulterated and misbranded. The article was labeled in part: "My Own Pure Cocoa * * * National Cocoa Mills, New York City * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sugar and starch.

Adulteration of the article was alleged in the information for the reason that substances, to wit, starch and sugar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure cocoa, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Pure Cocoa," borne on the packages containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted of pure cocoa and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure cocoa, whereas, in truth and in fact, it was not pure cocoa, but was a mixture composed in part of starch and sugar. Misbranding was alleged for the further reason that the article was a mixture composed in part of starch and sugar, prepared in imitation of pure cocoa, and was offered for sale under the distinctive name of another article, to wit, pure cocoa.

On December 19, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10159. Adulteration of cocoa beans. U. S. * * * v. 99½ Bags of Cocoa Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15520. I. S. No. 7916-t. S. No. E-3628.)

On November 2, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 99½ bags of cocoa beans, consigned for the account of Leon Israel & Bros., Inc., New York, N. Y., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from New York, N. Y., on or about September 6, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, "H. Murad & Son Cacao."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On December 28, 1921, H. O. Wilbur & Sons, Inc., Philadelphia, Pa., claimant, having filed an answer admitting the allegations of the libel and having requested restoration of the product in order that the cocoa butter might be extracted therefrom, under the supervision of this department, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,700, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10160. Adulteration and misbranding of soluble saccharin. U. S. * * * v. 2 Pounds of Saccharin. Default decree declaring product adulterated and misbranded and ordering its destruction. (F. & D. No. 9378. I. S. No. 15354-r. S. No. E-1131.)

On October 8, 1918, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 pounds of saccharin, at Martinsburg, W. Va., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about August 15, 1918, and transported from the State of Missouri into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Soluble Saccharine * * * Soluble in Cold Water * * * W. B. Wood Mfg. Co. * * * St. Louis, Mo."

It was alleged in substance in the libel that the article was adulterated by the addition thereto of a certain percentage of sugar.

Misbranding was alleged in substance for the reason that the article was branded as being "Soluble Saccharine," when, in truth and in fact, it was not soluble saccharin but contained a certain quantity of sugar, which operated to cause the said branding to be untrue.

On April 8, 1920, no claimant having appeared for the property, judgment of the court was entered declaring the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10161. Misbranding of Dr. Sanger's capsules. U. S. * * * v. 31 Packages of * * * Dr. Sanger's Capsules. Default decree declaring product misbranded and ordering its destruction. (F. & D. No. 10750. I. S. No. 15794-r. S. No. E-1579.)

On June 23, 1919, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 packages of Dr. Sanger's capsules, remaining unsold in the original unbroken packages at Clarksburg, W. Va., alleging that the article had been shipped by Edw. J. Moore Sons, New York, N. Y., on or about November 14, 1918, and transported from the State of New York into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the capsules contained copaiba balsam, cubebs, santal oil, matico, licorice, and magnesia.

Misbranding of the article was alleged in substance in the libel for the reason that the carton containing the said article and the booklet accompanying the same bore the following statements regarding the curative and therapeutic effect thereof, (carton) "Dr. Sanger's Capsules For Diseases Of The Urinary Organs and Bladder * * *," (booklet) "Dr. Sanger's Capsules. * * * for Gonorrhoea, Gleet, Bladder Disorders, Cystitis, Cystirrhoea, Retention of the Urine and Leucorrhoea or Whites. * * * the most obstinate cases * * * have yielded to the soothing and powerful curative powers of this remedy. In many cases the disease yields in a very short time. * * * Symptoms of Gonorrhoea. * * * You should at once begin treatment, as a delay might lead to stopping of the passage by stricture or inflammation of the kidneys and bladder * * *," which statements were false and fraudulent in that the said article contained no substance or ingredient or combination of ingredients capable of producing the effects claimed.